

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SO ORDERED: 10/13/17

C/M

Leventhal)
)
v.) Case No.
) 17 cv 5388
Columbia University, et al) (BMC) (LB)

Digitally signed by Brian M. Cogan

U.S.D.J.

MOTION TO RECONSIDER AND FOR LEAVE TO AMEND COMPLAINT

NOW COMES PLAINTIFF Howard E. Leventhal, a non-attorney acting pro se, hereby respectfully submitting this Motion to Reconsider this Court's Decision and Order in this matter entered 9/18/17 under FRCP Rule 59(a)(1)(B) or other applicable law, and for leave to amend the original complaint in this matter. In support of this motion, Leventhal states as follows:

- 1) On 9/18/17 this court entered its Decision and Order dismissing this case and complaint for failure to state a claim. For purposes of this motion Plaintiff respectfully requests that this court take judicial notice of the post-settlement proceedings in Marsalis v Reed, Case No. 14-cv-5080 (SLT) (CLP) and the facts alleged in Leventhal's motion to intervene in that case as well as in proceedings which took place subsequently to Leventhal's motion to intervene, as well as the original complaint in this matter.
- 2) The bases for this Court's dismissal of this instant matter are principally that New York law, N.Y. Judiciary Law §478 renders the contract between Marsalis and Leventhal for legal services "unenforceable" because Leventhal is not a licensed attorney and although the Defendants hereto have unambiguously acknowledged that services were provided as agreed, there is no legal basis upon which to enforce the contract between Marsalis and Leventhal, see Decision and Order, page 4, final paragraph, leading into page 5.